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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,652	07/30/2003	Hideki Fukunaga	053588-5018	6859
9629	7590	06/29/2004	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			DO, AN H	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/629,652	Applicant(s) FUKUNAGA ET AL.	
	Examiner An H. Do	Art Unit 2853	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) 2-9 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1, 10 and 11 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/30/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Response to Restriction/Election Requirement filed on 07 June 2004 has been acknowledged.

Election/Restrictions

1. Applicant's election of Group I readable on claims 1, 10 and 11 in the reply filed on 07 June 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 2-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07 June 2004.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 30 July 2003 was filed and is being considered by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyagawa et al (US 5,458,254).

Regarding claim 1, Miyagawa et al discloses in Figures 6-8 an ink jet recording head (Figures 6 and 7) comprising: a substrate (1); a resin body (5), which defines an ink discharge section (section above the heat resistor 2), formed on the substrate (1); and a heating resistor (2) provided on the substrate (1), an ink chamber (the middle opening between discharge port 7 and opening 3) being formed between the heating resistor (2) and the ink discharge section (section above the heat resistor 2), wherein resin parts (sub-parts made up a whole resin layer 5) are positioned in the resin body (5) along the ink chamber the middle opening between discharge port 7 and opening 3), a material of the resin part being the same (since all sub-parts made up of same material) as that of the resin body (5).

Regarding claim 10, Miyagawa et al discloses in Figures 6-8 an ink cartridge (Figure 8, element 20) comprising an ink jet recording head (Figures 6 and 7) comprising: a substrate (1); a resin body (5), which defines an ink discharge section (section above the heat resistor 2), formed on the substrate (1); and a heating resistor (2) provided on the substrate (1), an ink chamber (the middle opening between discharge port 7 and opening 3) being formed between the heating resistor (2) and the ink discharge section (section above the heat resistor 2), resin parts (sub-parts made up a whole resin layer 5) are positioned in the resin body (5) along the ink chamber the middle opening between discharge port 7 and opening 3), a material of the resin part

being the same (since all sub-parts made up of same material) as that of the resin body (5); and an ink tank (located inside the cartridge 20).

Regarding claim 11, Miyagawa et al discloses in Figures 6-8 an ink cartridge (Figure 8, element 20) comprising an ink jet recording head (Figures 6 and 7) comprising: a substrate (1); a resin body (5), which defines an ink discharge section (section above the heat resistor 2), formed on the substrate (1); and a heating resistor (2) provided on the substrate (1), an ink chamber (the middle opening between discharge port 7 and opening 3) being formed between the heating resistor (2) and the ink discharge section (section above the heat resistor 2), resin parts (sub-parts made up a whole resin layer 5) are positioned in the resin body (5) along the ink chamber the middle opening between discharge port 7 and opening 3), a material of the resin part being the same (since all sub-parts made up of same material) as that of the resin body (5).

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to An H. Do whose telephone number is 571-272-2143. The examiner can normally be reached on Monday-Friday (Flexible).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AD
June 22, 2004


6/04 Permarcy